

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REJECT SENATE BILL 146 AND ITS COMPANION BILL, HOUSE BILL 5, SEEKING TO BAN ABORTIONS AFTER FIFTEEN WEEKS; AND FURTHER URGING THE FLORIDA LEGISLATURE TO REJECT ANY OTHER PROPOSED BILLS IN THE UPCOMING 2022 LEGISLATIVE SESSION THAT SEEK TO CURTAIL THE FUNDAMENTAL RIGHT TO REPRODUCTIVE FREEDOM; AND DIRECTING THE CITY CLERK TO TRANSMIT THIS RESOLUTION TO THE PRESIDENT OF THE FLORIDA SENATE, AND THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES.**

**WHEREAS**, in a 1973 landmark decision, *Roe v. Wade*, the United States Supreme Court established that the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution provides a fundamental "right to privacy" that protects a pregnant person's liberty to choose whether or not to have an abortion; and

**WHEREAS**, before *Roe v. Wade*, illegal abortions were estimated to range from 200,000 to 1.2 million per year, and constituted at least 17 percent of all maternal deaths attributed to pregnancy and childbirth in 1965 alone<sup>1</sup>; and

**WHEREAS**, the legalization of abortion in the U.S. led to safer practices and drastically reduced the incidence of maternal deaths and hospitalizations related to abortion<sup>2</sup>; and

**WHEREAS**, on January 11, 2022, Senate Bill 146 ("SB 146") and its companion bill, House Bill 5 ("HB 5") were filed for consideration during the 2022 Florida Legislative Session; and

**WHEREAS**, deceptively titled "Fetal and Infant Mortality Reduction", SB 146 and HB 5 seek to ban most abortions once the 15-week mark of pregnancy has passed; and

**WHEREAS**, the proposed law, while allowing exceptions for unsafe pregnancies and for cases in which there is a "fatal fetal abnormality," makes no exceptions for rape, sexual abuse, or incest; and

---

<sup>1</sup> Rachel Benson Gold, *Lessons from Before Roe: Will Past Be Prologue?*, GUTTMACHER INST. (March 2003), <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

<sup>2</sup> Susan A. Cohen, *Facts and Consequences: Legality, Incidence and Safety of Abortion Worldwide*, 12 GUTTMACHER POLICY REVIEW 2 (2009), available at [https://www.guttmacher.org/sites/default/files/article\\_files/gpr120402.pdf](https://www.guttmacher.org/sites/default/files/article_files/gpr120402.pdf).

**WHEREAS**, approximately 75,000 abortions were performed in Florida in 2020, according to the state's Agency for Health Care Administration; and

**WHEREAS**, out of 75,000 cases, about 4,300 of those procedures were performed between 13 and 24 weeks of pregnancy, rape and incest were factors involved in a combined 23 second-trimester abortions that year, and a fetal abnormality was a factor in 469 such abortions; and

**WHEREAS**, Florida law already restricts third trimester abortions unless necessary to save the patient's life, and requires that individuals seeking abortions be provided state materials describing, among other things, information on the fetus's development and organizations offering abortion alternatives; and

**WHEREAS**, *Roe v. Wade* outlawed state bans on abortion up to the third trimester, and Florida courts have consistently held that the privacy clause in the state constitution allows for robust abortion protections in the state; and

**WHEREAS**, stricter laws in Florida will not prevent abortion – many people will nonetheless choose to terminate their pregnancies and will be forced to do so through unregulated, and potentially unsafe means; and

**WHEREAS**, a landmark project called the Turnaway Study tracked nearly 1,000 women who either had an abortion or were turned away from clinics because their pregnancy was too advanced, and the women who were forced to carry their pregnancy to term were four times more likely to fall below the poverty line during the next five years, reported poorer overall health and more chronic pain; and

**WHEREAS**, the City of Miami Beach has historically been at the front of advancing, promoting, and protecting the rights of marginalized communities, including reproductive rights; and

**WHEREAS**, in 2010, the Mayor and the City Commission adopted Resolution No. 2010-27405, urging Governor Charlie Christ to veto a bill that would require pregnant people to undergo an ultrasound and review the ultrasound images prior to obtaining an abortion; and

**WHEREAS**, in 2019, the Mayor and City Commission adopted Resolution No. 2019-30887, condemning repressive anti-abortion legislation passed in Alabama and Georgia, and urging the Florida Legislature to take necessary steps to safeguard and promote the fundamental right to abortion and access to reproductive healthcare; and

**WHEREAS**, the Mayor and City Commission of the City of Miami Beach vehemently oppose any legislation aimed to restrict a person's constitutional and fundamental right to reproductive freedom, and urge the Florida Legislature to reject SB 126, HB 5, and any proposed bills in the upcoming 2022 Legislative Session that seek to curtail the fundamental right to reproductive freedom.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby urge the Florida Legislature to reject Senate Bill 146 and its companion bill, House Bill 5, seeking to ban abortions after fifteen weeks; and further urge the Florida Legislature to reject any other proposed bills in the upcoming 2022 Legislative Session that seek to curtail the fundamental right to reproductive freedom; and direct the City Clerk to transmit this Resolution to the to the President of the Florida Senate, and the Speaker of the Florida House of Representatives.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

Attest:

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney 

1-31-22  
Date